

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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|------------------------------|---|----------------------------|
| In re | : | Chapter 7 |
| PETER WILLIAM DiGIOVANNI | : | |
| | : | Bankruptcy No. 09-12738ELF |
| Debtor(s) | : | |
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| | : | |
| ESTATE OF HELEN J. DISABATO | : | |
| Michele Demko, Norman Demko, | : | |
| Co-Executors | : | |
| | : | |
| Plaintiff(s) | : | |
| | : | |
| v. | : | |
| | : | |
| PETER WILLIAM DiGIOVANNI | : | |
| Defendant(s) | : | Adversary No. 09-00226ELF |

ORDER

AND NOW, it is hereby **ORDERED** that the Defendant's Motion for Summary Judgment (Doc. # 15) is **DENIED** as untimely filed.¹

Date: March 5, 2010

ERIC L. FRANK
U.S. BANKRUPTCY JUDGE

cc: Peter William DiGiovanni
PO Box 250
Gradyville, PA 19039-0250

¹ The Amended Pre-Trial Order dated January 8, 2010 set February 26, 2010 as the deadline for the filing of motions for summary judgment and scheduled trial for March 19, 2010. The Defendant's Motion for Summary Judgment was filed on March 4, 2010, five (5) days after the deadline. I am well aware that there was a snowstorm in this region on February 26, 2010 and that although this court was open for business, it may have been extremely difficult or impossible for the Defendant, who is acting pro se and may not have access to the court's electronic filing system, to physically deliver the Motion to the Clerk of Court. In these circumstances, I might not have strictly enforced the February 26, 2010 time deadline in the Pre-Trial Order had the Defendant filed the Motion on the next business day. He did not. He did not file the Motion until five (5) days (and three (3) business days) after the deadline.